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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 27, 2011

To: Persons on the attached mailing list (By mail and facsimile as indicated)

Re: In The Matter Of An Enforcement Action Concerning Advantage Asphalt Products, LTD.; TCEQ Docket No. 2007-0768-AIR-E; SOAH Docket No. 582-08-0523.

This letter is in response to the Agreed Request for Commission to Consider all of the Parties Briefings After the Issuance of the Proposal for Decision (the "Request") filed by the Executive Director ("ED") on May 26, 2011 in the above-referenced matter. The Parties, through the Request, seek to have the Commission consider all of the parties' briefs, regardless of the date on which the brief was filed.

The Administrative Law Judge's Proposal for Decision ("PFD") stated that all exceptions were to be filed no later than April 4, 2011 and any replies to exceptions or briefs must be filed no later than April 14, 2011. The ED timely filed its Exceptions to the PFD ("Exceptions") on April 4, 2011, but all subsequent filings by both parties were filed or served on or after April 22, 2011. Based on the information provided in the Request, the delay in filings appears to be due to some manner of miscommunication between the parties and the ALJ.

Having reviewed the Request, OGC finds that the parties acted in good faith in filing or serving their briefs on or after April 14, 2011. Given the nature and circumstances of the error, the deadline to file all exceptions, replies to exceptions, and any other briefs in the above-referenced matter is hereby extended until 5:00 p.m. on May 26, 2011, pursuant to 30 TAC §80.257(b).

If you have any questions concerning this matter, please contact Barham A. Richard, Assistant General Counsel, at (512) 239-0107.

Very truly yours,

A handwritten signature in black ink, appearing to read "Les Trobman".

Les Trobman
General Counsel

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Mailing List
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TCEQ Docket No. 2007-0768-AIR-E
SOAH Docket No. 582-08-0523

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